

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LANDEN MICHAEL LYYSKI
and NATHANIEL JAMES GAZLEY, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TINA MARIE KLINE,

Respondent-Appellant.

UNPUBLISHED

July 24, 2007

No. 276346

Oakland Circuit Court

Family Division

LC No. 06-724531-NA

Before: White, P.J., and Zahra and Fort Hood, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(i), (b)(ii), (g), and (j). We affirm.

Respondent does not dispute that the statutory grounds for termination were established by clear and convincing evidence. See *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). She contends only that termination was contrary to the children's best interests.

Once a statutory ground for termination has been proven, "the court shall order termination of parental rights . . . unless the court finds that termination of parental rights to the child is clearly not in the child's best interests." MCL 712A.19b(5).

The evidence showed that respondent relies heavily on others to provide for her most basic needs as well as those of her children. As a result of that reliance, one child was out of her custody and the one child who was in her custody was subjected to extreme physical abuse. According to petitioner's expert, respondent's dependence on others is due to an ingrained personality disorder that is not amenable to treatment. Even respondent's expert agreed that change may be possible but is not probable, and that it could take years before respondent was capable of raising a child herself. While respondent professed a willingness to change and improve her circumstances by separating herself from the possible abusers in her household, going to college, and getting a better job, she clearly had no concept of what that would involve or how it might be accomplished. Further, her actions demonstrated just the opposite: despite recognizing that her mother, sister, or the putative father must have injured her child, she

continued to reside with them because she had “nowhere to go” and maintained regular contact with the putative father after he was incarcerated.

The evidence did not clearly show that termination of respondent’s parental rights was not in the children’s best interests. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Therefore, the trial court did not clearly err in terminating respondent’s parental rights to the children.

Affirmed.

/s/ Helene N. White

/s/ Brian K. Zahra

/s/ Karen M. Fort Hood